

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19081 OF 2005

DATED:30.8.2005

Between:

Gundla Bala Bhoi

S/o.Narsa Bhoi

Sirnampally Village, Dharpally Mandal

Nizamabad District

and others

...Petitioner

And

The District Collector, Nizamabad

and others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19081 OF 2005

ORDER:

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The petitioners are residents of Sirnapally Village, Dharpally Mandal of Nizamabad District. They own different extents of lands in various survey numbers of the said village. All of them have obtained service connections from A.P.State Electricity Board (now, A.P. Transmission Corporation) for lifting water from a water stream (vagu) which is adjacent to the land. They have also installed 3-HP pump sets in their lands. They alleged that the vagu begins its journey at Sirnapally sivar lands and reaches Ramadugu project. It is their case that they are only utilizing excess water in the vagu and this does not result in any scarcity to Ramadugu project or Sheelam Jankam Bai Dorasani Cheruvu. But, on 12.8.2005 and 22.8.2005 revenue officials along with Police allegedly visited the spot and threatened to remove the

pumps. Apprehending such coercive removal of pump sets, they filed the Writ Petition after making representations to the respondents, in vain.

It is settled that no person has right to draw water from Government source of irrigation unless the Government specifically permits such drawal of water as per relevant law. In this case, admittedly, petitioners never obtained any valid permission under the Andhra Pradesh (Telangana Area) Irrigation Act, 1357 Fasli. Secondly, in the absence of such permission, even if the petitioners have drawn water for a long time, they would not get any right. But, the petitioners are drawing water as alleged after obtaining necessary electricity connections from State Electricity Board. Therefore, it would be unfair on the part of the respondents to resort to any coercive steps without any notice to the petitioners. To that extent, learned Assistant Government Pleader does not dispute the legal position.

Therefore, the Writ Petition is disposed of at the admission stage giving liberty to the respondents to serve a notice on the petitioners before taking any action adverse to the interest of the petitioners. No costs.

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(V.V.S.RAO, J)

30.8.2005

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Note: CC in three days.

(B.O)

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